

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

JOHN MOSS, III,

Petitioner,

v.

Civil Action No. 2:09-cv-01406

**DAVID BALLARD, Warden,
Mount Olive Correctional Complex,**

Respondent.

**SUPPLEMENTAL ORDER TO
RESPONDENT'S EXHIBIT NO. 5**

Attached hereto is a Supplemental Order, Amended Memorandum Order Denying Habeas Relief dated February 15, 2002, which was inadvertently omitted in Respondent's Exhibit 5 as previously filed.

Respectfully submitted,

DAVID BALLARD, Warden,
Mt. Olive Correctional Complex,
Respondent,

By counsel

/s/ Robert D. Goldberg

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2010, I electronically filed the foregoing Supplemental Order to Respondent's Exhibit 5 thereto with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, the aforesaid document(s) to the following non-CM/ECF participant:

To: John Moss, III, DOC# 13734
Mt. Olive Correctional Complex
One Mountainside Way
Mt. Olive, WV 25185

/s/ Robert D. Goldberg
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